

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

BRAC GROUP, INC. (f/k/a Budget Group, Inc.),  
  
Reorganized Debtor.

Chapter 11 Case No. 02-12152 (RB)

RE: D.I. 5315, 5325, 5332, 5480

MICHAEL BELGRAVE,

Appellant,

v.

THE PLAN ADMINISTRATOR FOR BRAC  
GROUP, INC.,

Appellee.

Civil Action No. 05-319 (KAJ)

**THE PLAN ADMINISTRATOR'S RESPONSE TO  
MICHAEL BELGRAVE'S PETITION FOR WRIT OF CERTIORARI**

In an abundance of caution, Walker Truesdell & Associates, in its capacity as Plan Administrator (the "Plan Administrator") for BRAC Group, Inc., the Reorganized Debtor, by and through undersigned counsel, respectfully responds (the "Response") to Appellant Michael Belgrave's Petition for Writ of Certiorari (the "Petition") (D.I. 16), filed with this Court on June 23, 2005.

In support of its Response, the Plan Administrator hereby incorporates by reference the representations and arguments contained in the Plan Administrator's other pleadings filed a connection with the present appeal, namely the Plan Administrator's Motion to Stay Mediation Pending Decision on the Plan Administrator's Motion to Dismiss Appeal (D.I. 7), the Plan Administrator's Motion to Dismiss Michael Belgrave's Appeal (D.I. 8), and the Plan

Administrator's Reply to Michael Belgrave's Response to the Plan Administrator's Motion to Dismiss Appeal and Motion to Stay Mediation (D.I. 13).

Furthermore, Belgrave's assertion that this Court has jurisdiction over the Petition pursuant to 28 U.S.C. § 1257(a) is without merit, in that the Order from which Belgrave appeals, the Order approving the Eighteenth Omnibus Objection on December 7, 2004 (A1-9), was entered by the United States Bankruptcy Court for the District of Delaware, *not* a State court.

WHEREFORE, the Plan Administrator respectfully requests (i) that the Petition, to the extent that it requests any relief in addition to that sought by Belgrave through this Appeal, be denied and (ii) such additional relief as the Court deems appropriate.

ASHBY & GEDDES, P.A.



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—and—

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Dated: June 24, 2005  
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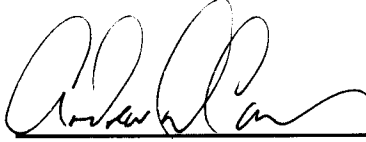
*Counsel to the Plan Administrator*

**CERTIFICATE OF SERVICE**

I, Andrew D. Cordo, hereby certify that, on June 24, 2005, I caused one copy of the foregoing **The Plan Administrator's Response to Michael Belgrave's Petition for Writ of Certiorari** to be served upon the persons listed below in the manner indicated.

**BY U.S. MAIL and FEDERAL EXPRESS**

Michael Belgrave  
311 Taft Av.  
Cleveland, TX 77327

  
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Andrew D. Cordo